

Court of Appeals, State of Michigan

ORDER

People of MI v Terry Lee Crater

Docket No. 267412

LC No. 01-000300-FH

Alton T. Davis
Presiding Judge

William C. Whitbeck, CJ

Stephen L. Borrello
Judges

The Court orders that in lieu of granting the delayed application for leave to appeal and pursuant to MCR 7.205(D)(2), 7.216(A)(7), this matter is REMANDED to the Montcalm Circuit Court for a determination of whether defendant is indigent and, if so, for the appointment of appellate counsel, in light of *Halbert v Michigan*, 545 US ____; 125 S Ct 2582; 162 L Ed 2d 552 (2005). See, e.g., *People v Bell*, 474 Mich 867; 703 NW2d 472 (2005). Appointed counsel may file an application for leave to appeal with this Court and/or any appropriate postconviction motions in the trial court, within twelve months of the date of the Montcalm Circuit Court's order appointing counsel, in accord with the deadlines in effect at the time defendant was denied counsel. See MCR 7.205(F)(3), MCR 6.311, and MCR 6.429.

We do not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR 21 2006

Date

Sandra Schultz Mengel
Chief Clerk